

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

ROSE L. FREEMAN AND JOHN SCOTT

PLAINTIFFS

v.

Civil No. 06-3009

RON KINCADE, In his Official Capacity
as Boone County, Arkansas, Prosecutor
and in his Personal Capacity;
WES BRADFORD, In his Official Capacity
as Boone County, Arkansas, Deputy
Prosecutor and in his Personal Capacity;
DANNY HICKMAN, In his Official Capacity
as Boone County, Arkansas, Sheriff and
in his Personal Capacity;
JAMES D. WESSELLS, In his Official Capacity
as Boone County, Arkansas, Deputy Sheriff/
Investigator and in his Personal Capacity;
JAMES L. WHITE, In his Professional Capacity
as Harrison Arkansas Daily Times Staff and
in his Personal Capacity;
D. JEFF CHRISTENSON, In his Professional
Capacity as Harrison Arkansas Daily Times
Publisher and in his Personal Capacity

DEFENDANTS

O R D E R

Now on this 2nd day of June, 2006, come on for consideration
plaintiffs' Motion To [sic] Leave To File Plaintiffs' Oppositions
To Separate Defendants' Kincade And Bradford Motion To Dismiss And
Brief In Support Of Separate Defendants' Motion To Dismiss
(document #22) and Plaintiffs' Motion To Recall, Set Aside, Vacate
Order Identified As Document #24 (document #26).

The latter motion correctly points out that the Court's Order
granting the Motion To Dismiss of separate defendants Ron Kincade
and Wes Bradford was entered one day after plaintiffs filed their

response the Motion To Dismiss, and did not take account of their response. Given that some seven weeks had elapsed between the filing of the defendants' motion and the Court's Order -- and that the Local Rules allow only eleven (11) days to respond to motions -- the Court did not check the docket on the day its Order was entered to be sure that plaintiffs had not filed a belated response. The Court has, nonetheless, considered this response -- which offers no explanation for its tardiness -- and finds no reason to alter its Order dated May 9, 2006.

IT IS THEREFORE ORDERED that plaintiffs' **Motion To [sic] Leave To File Plaintiffs' Oppositions To Separate Defendants' Kincade And Bradford Motion To Dismiss And Brief In Support Of Separate Defendants' Motion To Dismiss** (document #22) is **granted**.

IT IS FURTHER ORDERED that **Plaintiffs' Motion To Recall, Set Aside, Vacate Order Identified As Document #24** (document #26) is **denied**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE